

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: GENERIC PHARMACEUTICALS
PRICING ANTITRUST LITIGATION

MDL 2724
16-md-2724

HON. CYNTHIA M. RUFÉ

THIS DOCUMENT RELATES TO:

Civil Action Nos.

*Ahold USA, Inc., et al. v. Actavis
Holdco U.S., Inc. et al.*

18-2641
18-2401

*1199SEIU Nat'l Benefit Fund, et
al. v. Actavis Holdco US, Inc.*

18-3299
18-2533

*Humana Inc. v. Actavis Elizabeth,
LLC et al.*

18-284
18-4137
17-3768

*West Val Pharm., et al. v. Actavis
Holdco U.S., Inc.*

*The Kroger Co., et al. v. Actavis
Holdco U.S., Inc.*

*Marion Diagnostic Center, LLC,
et al. v. McKesson Corp., et al.*

*The State Attorneys General
Litigation*

[PROPOSED] ORDER

AND NOW, this ____ day of ____ 2019, upon consideration of Defendants' Joint Motion to Dismiss Plaintiffs' Overarching Conspiracy Claims, the responses and replies thereto, and the arguments of counsel, and for the reasons set forth in the accompanying Opinion, it is hereby **ORDERED** that the Motions are disposed of as set forth herein.

1. Defendants' Motion to Dismiss the Direct Purchaser Plaintiffs' First Amended Complaint [No. 18-2641, Dkt. 11] is **GRANTED**. The Direct Purchaser Plaintiffs' First Amended Complaint is **DISMISSED WITH PREJUDICE**;
2. Defendants' Motion to Dismiss the End Payor Plaintiffs' Complaint [No. 18-2401, Dkt. 2], is **GRANTED**. Counts One through Four of the EPPs' Complaint are **DISMISSED WITH PREJUDICE** to the extent they are "brought against all Defendants for their participation in an overarching conspiracy to fix, raise and/or stabilize the prices of the Drugs at Issue";
3. Defendants' Motion to Dismiss Humana, Inc.'s Amended Complaint [No. 18-3299, Dkt. 30] is **GRANTED**. Counts CVI-CX of Humana, Inc.'s Amended Complaint are **DISMISSED WITH PREJUDICE**;
4. Defendants' Motion to Dismiss the IRPs' Amended Overarching Complaint [No. 18-2533, Dkt. 4] is **GRANTED**. Counts One through Four of the Indirect Reseller Plaintiffs' Amended Overarching Complaint are **DISMISSED WITH PREJUDICE** to the extent they are "brought against all Defendants for their participation in an overarching conspiracy to fix, raise and/or stabilize the prices of the Drugs at Issue";
5. Defendants' Motion to Dismiss the Kroger Plaintiffs' Complaint [No. 18-284, Dkt. 37] is **GRANTED**. Count One of the Kroger Plaintiffs' Complaint is **DISMISSED WITH PREJUDICE**;
6. Defendants' Motion to Dismiss the Marion Plaintiffs' First Amended Complaint [No. 18-4137, Dkt. 22], is **GRANTED**. Counts I-XXVIII of the Marion Plaintiffs' First Amended Complaint are **DISMISSED WITH PREJUDICE**;

7. Defendants' Motion to Dismiss the Plaintiff States' Consolidated Amended Complaint [No. 17-3768, Dkt. 15] is **GRANTED**. The joint and several liability allegations in Counts One through Eighteen of the States' Consolidated Amended Complaint are **DISMISSED WITH PREJUDICE**.

It is so **ORDERED**.

BY THE COURT:

CYNTHIA M. RUFÉ, J.